3: Roberts S-4 (no date)1951 ED1 Rumania ED1

of these institutions naturally became mere façades to conceal a much cruder reality. Party politics, for example, bore a very superficial resemblance to those of nineteenth-century England: two principal parties, the Liberals and the Conservatives, alternated in office. But the reality behind this two-party system was altogether different. Politics were based on a very narrow franchise,[30] the parties themselves tended to be coteries surrounding a dominant personality or family, and there were constant factions and party splits. Both the Conservatives and the Liberals obtained their support from the landowners, the principal distinction between them being that the Conservatives were usually the explicit spokesmen of the large agrarian interests, whereas the Liberals were increasingly interested in making Rumania a strong modern (i.e., commercial and industrial) state and held the controlling positions in the growing financial institutions.

In the field of law the Rumanians demonstrated what Dobrogeanu-Gherea correctly called a "mania for legislation." A flood of laws was continually being passed—elegantly rendered by men who had taken their law course at Paris—but with remarkably little effect. Some were inapplicable at the outset, few were administered properly, and most were soon forgotten by all concerned, with no effort made to examine their consequences. Other examples could be cited from the fields of public finance, civil rights, and the press to illustrate the abyss lying between political and constitutional forms and actual practice. The persistence of this dualism right up to the 1940's has undoubtedly had a corrupting effect upon Rumanian politics and society.

Notwithstanding these contradictions, which have struck all foreign observers in the past century, the very introduction of Western paraphernalia had certain important positive effects. A peasant who had been inducted, under universal conscription, into the army, who could read in the press (or have read to him) about agrarian disturbances in Sicily, Ireland, or Russia, or who heard the charges and countercharges of the political parties, however rhetorical these may have been—such a peasant was moving out of the closed circle of the village. This is evidenced in the active role played by ex-army sergeants, clerks, and schoolteachers in the 1907 uprising. Moreover, the mere existence of constitutional and legal devices, however inoperative they may have been, provided potential channels for change and increased the flexibility of the existing order. Thus, in spite of the fact that changes were apt to prove illusory rather than real,

80. A system of electoral colleges, rather like that of Prussia before 1918, assured a preponderant strength in the assembly to the landowners and the wealthy urban groups.

3: Roberts S-4 (no date)1951 ED1 Rumania ED1

that an endless series of palliatives and half-measures would take the place of real reforms, even so vigorous a critic of Rumanian institutions as Dobrogeanu-Gherea held that the presence of liberal institutions set Rumania in favorable contrast to tsarist Russia.[31]

In short, while economic and social tensions precipitated the 1907 revolt, the political situation prevented it from becoming more than a social eruption. It remained a revolt and not the initial stage of a revolution.

The Aftermath of 1907

The peasant uprising frightened the rulers of Rumania into attempting some measures of reform. A law on agricultural contracts was designed to protect the peasant by regulating agreements between him and the landlord or tenant, by prohibiting certain forms of rent in labor, by instituting communal grazing lands, and by establishing regional committees to fix agricultural wages and rents. This law was never really applied and quickly fell altogether into disuse. The proprietors preferred informal and unwritten agreements, which the law did not cover, and few peasants dared to demand application of the law for fear of being driven from the estate.[33]

A second law created a state-supported Rural Office to aid in the transfer of land from large properties to the peasants. Up to the beginning of 1912, however, the Rural Office had bought only 76,000 hectares, had divided up 15,000 hectares, and had sold to the peasants only 6,500 hectares.[33] A third law, by limiting the size of leases to 4,000 hectares of cultivable land, attacked the large agricultural trusts held in lease. A fourth law established cooperatives for renting land. It was probably the most successful; between 1908 and 1916 the land rented by the cooperatives increased from 133,000 hectares to 410,000 hectares.[34]

Although these laws were heralded as introducing a new conception into Rumanian life, *socialism de stat*—state intervention on behalf of the peasants—they really provide only examples of Rumanian legislative escapism. They but scratched the surface of the problem and were "fated to disappear without trace in the quicksand of Rumanian public life." [35] The state socialism proclaimed by the Liberals had very little to do with socialism in any Western sense of the term but more closely resembled the paternalistic policies of mercantilism.

31. Dobrogeanu-Gherea, *op. cit.*, p. 46.
32. Ilie S. Diaconescu, *Chestiunea țărănească în Romănia* (Bucarest, 1928), p. 115.
33. *Ibid.*, p. 120.
34. *Ibid.*, p. 124.
35. Mitrany, *op. cit.*, p. 89.

4:Fleure S-5 (no date)1936 ED1 Rumania ED1

IV.—PEOPLES AND SETTLEMENTS: EARLY TIMES

131 THE POSITION OF ROUMANIA with its mountain ramparts forming an outpost of central Europe, over against the south Russian steppe on the one hand and the Balkan peninsula on the other, has been emphasised in a brief review of its features and relief and climate. The same fact of position is most important in the study of its human relations throughout history, and here it is necessary to emphasise once more that relations between the south Russian and Hungarian plains in the far past have been carried on *via* the Carpathian passes rather than by the Iron Gates which may well have been impassable until Trajan's engineering feat made a platform along the right bank, and the temporariness of that construction suggests that the grim defile did not remain in use. To what extent some detours not very far away may have been utilised at various periods is a matter for research.

172 174 TOO LITTLE is known concerning Roumania in the Old Stone Age to permit of any useful discussion, but the country was much affected when, in the relatively short Neolithic period heralding the advent of metal, a cultivating population was spreading westward through central Europe. It is a matter for further research to decide to what extent south Russia and to what extent Thrace were routes of this first peasant [177] civilisation in its spread westwards. The earliest agriculturists of Roumania, in their equipment, show relationships or participation of ideas with contemporaries in the Ukraine, in the Balkan peninsula, including Vinça near Belgrade, and Thessaly, and in north Hungary, Roumania yielding specially important material from Cucuteni, near Iaşi, from Erősd in the south-east of Transylvania, and from Tordos in central Transylvania on the upper Olt. The former has yielded figurines that are female and steatopygous, but without the large breasts and general development of fat that occur in some other centres. The pottery is painted, and on the whole it seems that, at this stage, the Ukraine was richer; we may well be dealing with a spread that was to some extent westward, using passes of the south-eastern Carpathians (Fig. 4). At the same time it should be borne in mind that the Olt, the Mureş and several other rivers of Transylvania yielded

Celtic forms, Latin and Anglo-Saxon followed one another, but Norman French was unable to oust Anglo-Saxon, though it left a deposit of legal phrases and helped to make English grow towards the remarkable amalgam of Teutonic and Romance elements that it now is, though much of this growth came during the Renaissance. Roumania is in a sense an analogous amalgam of Latinised and Slavonic elements. The survival of the older, Latin, element is an interesting fact.

The Roumanian people, as we may begin to call them, were spread over the Carpathian bastion, using the high pastures in summer, so that contacts were maintained over long distances, independently of adjacent peoples more specially concerned with farming in lowland villages. It is a Roumanian theory, with much probability behind it, that the summer life on the upland pastures has had not a little to do with the survival of the Latin element to such a degree in Roumania, and with the survival of the Roumanian people's consciousness of themselves as distinct from their neighbours. It is noteworthy that groups of Germans, Szeklers, and so on, spreading in the Carpathian bastion later on, when Christianity had come to this part of the world, have not changed their language, nor have they caused their neighbours to change theirs. The resistance to language-change has become too great.

In the days when Latin and Slavonic were, as it were, competing in and around the Carpathian bastion, Christianity was expanding from Rome and Constantinople, with characteristic differences, only some of which concern us here. In the west, Roman cities had grown, often from camps, ere the empire fell, and cities tended to acquire bishops, for whom the Roman tradition was their main link with the larger world. The insistence on the general language (Latin) for religious purposes and the growth in authority and prestige of the Bishop of Rome are thus easy to understand. And the combination gave the bishop's city a prestige that helped to Christianise barbarian conquerors and to spread the idea of the city when a revival began in the tenth and eleventh centuries. In the east there was less spread of the idea of the city northward from Constantinople and the Ægean, save in the case of the cities on a Greek basis in south Russia. Nor was there the same spread of a general language. We accordingly find that the Church consecrated Slavonic forms,

175 many Wallachs to return to their homeland to the north of the Danube.

During the eleventh century the Hungarians engaged in a policy of steady expansion to the east, and came into collision with the Wallachs. It is through Hungarian sources that we first hear of Wallacho-Bulgarian principalities existing on the eastern confines of Hungary, in the Banat and Transylvania. The famous Notarius Regis Belae of Hungary refers to Hungarian victories over a Prince Glad, who is designed as "dux Bulgarorum et Blacorum," and relates that the latter's army was composed of Bulgarians, Wallachs and Cumanians. King Bela also, in an epistle addressed to the Pope, complains of incursions by Bulgarians and Cumanians against which for his protection he found himself compelled to settle the Knights Hospitallers of St John on his eastern frontier near the Danube. In 1233 reference is again made to a Hungarian ruler who had been established in the Banat of Severin, whose subjects were "Valachi schismatici."

The subjection of Bulgaria by the Turks in 1394 was followed by a large immigration of Bulgarian nobles and church dignitaries into Rumania, and Bulgarian influence and culture was further strengthened and gave rise to a period of literary and artistic flowering that recalled, according to Prof. Bogdan, the influence exerted by the Greek *émigrés* in Italy after the taking of Constantinople by the Turks. This is in no way surprising, since the Bulgarians being for centuries direct neighbours of the Byzantines, were able to assimilate to a certain extent their civilization and transmit it to the Rumanians who were further away.

197 Numerous manuscripts dating from the 14th to the 17th
175 centuries, mainly compiled in the chancelleries of the
177 various Wallach princes, testify to the deep influence Bulgaria had exerted during this period. The language in use was not uniform but gradually evolving, which proves that it was not used merely as a standard language, like Latin, but that it was spoken by those who made use of it. This will explain the large admixture of Slav words in the Rumanian tongue, which were derived mainly from

10: Logio S-4 (no date) 1932 ED1 Rumania ED1

Bulgarian sources. The toponymy also of Rumania reveals a great number of names of Slavo-Bulgarian and Cumanian origin, which can only be explained by the former presence in large numbers of these two peoples in Rumania. Prof. Xenopol, in his "Istoria Romanilor," vol 1, p.71, dilating on the Slavo-Bulgarian toponymy extant in Rumania, expresses the belief that the mere official use of the Slavo-Bulgarian language is not sufficient to explain the adoption of geographical terms in this language, and that their presence must be ascribed to a "connection between people and people." An examination of D. Francescu's "Dictionaru Topograficu şi statistico al Romaniei" (1872) and Dr L. Colescu's "Dictionarul statistic al Romaniei (1914/5) would reveal an astounding number of such names. As regards the nomenclature derived from Cumanian sources, we have, Coman, Comana, Comanae, Comania, (thrice) Comanianca, Comani (twice), Comaniţa, and Comanesti (six times). Similar names are met with in Bulgaria and Macedonia (i.e. Kumanovo) and if we recollect that the Cumanians gave a royal dynasty, that of the Terters, to Bulgaria, it will be understood that this now lost people had exerted a wide-spread influence in the Balkan peninsula.

FROM THE FORMATION OF THE DANUBIAN PRINCIPALITIES TO 1914.

The policy of easterly expansion pursued by the Hungarians forced the first Rumanian political communities which had developed in the relative security of Transylvania to retreat before the continuous pressure exerted by the Hungarians. Many of the Rumanian nobility, however, seem to have passed over to the conqueror in order to safeguard their wealth and privileges at the price of Magyarization, as did the Serbian aristocracy in Bosnia which accepted the faith of their Turkish conquerors so that they might retain their lands. These Magyarized Rumanians of Transylvania gave to Hungary her most heroic figure, that of John Hunyady, as well as one of her great kings, Matthias Corvinus, son of the former.

10: Logio S-4 (no date) 1932 ED1 Rumania ED1
Bessarabia

lei which was absorbed by Russia. Through the latter country an annual surplus of over a million tons of cereals was also marketed, as an excellent network of railway lines connected Odessa and the chief towns of Russia with Bessarabia. Further, under the Russian régime credit facilities were obtainable and a capital of some 10 million roubles or 10 milliard lei was at the disposal of the agriculturalists, while now it is reckoned that the Rumanian banks do not dispose of even 1½ milliard lei for this purpose, and in spite of the fact that the present requirements of the population are incomparably greater, since with the breaking up of the large estates, it was indispensable to provide the peasantry with funds wherewith they might buy implements and cattle for their farms.

It would appear that any civilized government, however vague its conception of its duty might be, would have proceeded to endow this province with a network of roads and railways to aid the population by thus facilitating the transport of its produce to the ports, since Odessa, the former outlet, is no longer available for this purpose. But strange to say, the Rumanian authorities have done nothing whatever; though even the construction of a few short connecting lines permitting a partial reorientation of the existing railway tracks and the construction of a grain elevator at the Danubian town of Reni would have gone a long way to relieve the strain. Even the deepening of the bed of the Pruth as far as Ungheni might have provided cheaper transport facilities to a large percentage of the available grain, which was often left to rot in the fields because overland transport charges, in the absence of roads, were found prohibitive.

Even out of mere solicitude for the safety of the State the Rumanian government ought to have provided means of communication whereby its army might in an emergency be concentrated on an ever-exposed frontier, in a region where a perpetual state of war exists. But even this weighty consideration has not sufficed to rouse the Bucarest Government from its self-complacency. There are, of course, persons who would explain the continual agitation brewing in Bessarabia and the predilection of its inhabitants for Russian rule by the assertion that these dunces of Moldovans (as the

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668 Bessarabians are popularly called) forming the most back-
177 ward section of the Rumanian people are mentally in-
capable of appreciating at their true value all the qualities which the Rumanian administration exhibits in its conduct towards populations whose goodwill it has set out to win. For the organs of the Rumanian State are inspired by a high purpose, that of converting these Moldovans of Bessarabia into loyal Rumanians, by inculcating in them a consciousness of the collective national will. When they shall finally see eye to eye with the various cultural missionaries which Bucarest has so far dispatched for their edification, then at last will loyalty and love follow, for loyalty after all is but the consciousness of oneness, and it is this consciousness of oneness that the Bucarest "Kulturträger" are attempting to impress on the Bessarabians.

668 These altruistic efforts, however, seem unavailing, for in January, 1932, a pan-Bessarabian congress of all parties and creeds was held at Kichineff, and delegates resolved to create a united Bessarabian front so as to impose on the Government which had done nothing for this province since its union with Rumania, the taking of certain measures designed to ameliorate the situation. M. Batsaria, a veteran Rumanian journalist, commenting on this congress in the "Adeverul" stated that a member of the cabinet had confided to him that this discontent was not peculiar to Bessarabia, but existed in all the new provinces. An atmosphere, which was in no way favourable to the realization of a complete spiritual unity among the inhabitants of Great Rumania had been created. And so long as the legitimate rights of all were not respected, and their just grievances remained unredressed, so long would unity be unattained.

The Jews.

[162] The Jewish minority numbers some 800,000 souls (accord-
563 ing to Winckler's racial statistics, 778,094) who are mainly
641 concentrated in the urban districts of Bessarabia, Moldavia, Bucovina, and the province of Maramureş. As petty trading, commerce and, to a large extent, banking is in their hands, all the more important towns have a numerous Jewish element in their population. The manifest disinclination of the Rumanians for commerce has permitted the

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12: Kormos S-4, 5 (no date) 1944
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Rumanians under Rumanian rule. Although the great majority of the population was made up of Rumanians, about one-quarter was formed by minorities consisting of more than a dozen nationalities. The majority of the people lived on the land, only one-sixth in towns. Ethnically, the population of Rumania consisted approximately of Rumanians 73%; Hungarians over 8%; Slavs nearly 7%; Jews 5%; Germans over 4%; others 3%. About 82% of the people were engaged in agriculture and forestry.

The different nationalities living in Greater Rumania have in many cases preserved all the characteristics of their original race and land; others have absorbed the historical and cultural influences to which Rumania has been subject at various times. Both groups—and they are by no means sharply distinct from each other—have been transformed in the process of history and have influenced their neighbours and the life of the country as a whole.

THE RUMANIAN PEASANTS. The Rumanians are a simple and hardy people of peasants, used to oppression and poverty. Throughout centuries the Rumanian peasant was a serf, working all his life to satisfy the *boiar*, the tax-collector or the foreign prince. There have been only very short periods of Rumania's history when the peasant could reap and keep the hard-earned fruits of his labour. To-day, too, his fate follows the familiar pattern, only the present system of exploitation is much more efficient. It is all the more astonishing, therefore, that this people has preserved its optimism and a certain

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12: Kormos S-4, 5 (no date) 1944

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563 **THE MINORITIES.** The presence of large numbers of
•177 non-Rumanians in the new State affected the fate of Rumania decisively. While the leaders of the Transylvanian Rumanians, who had themselves had a long experience of foreign rule, advocated a just and liberal policy, the politicians of the Old Kingdom[1] and especially the Right Wing, persisted in a policy of Rumanization and de-nationalization contrary to the Minority Treaties. In Bessarabia this policy was excused by stressing the danger of the spread of revolutionary movements which threatened the safety of the State, and was carried out by the military. In the territories acquired from Hungary the position of the dominant and dominated sections of the people had been reversed so suddenly and so decisively that the change necessarily had violent consequences. Moreover, here the question of the treatment of minorities was closely interlocked with that of administrative unification. The laws and regulations of the Old Kingdom and of the New Territories[2] had to be equalized. The majority of the civil servants in Transylvania were Hungarians and most of these were replaced by Rumanians from the Old Kingdom. Some of the old officials had to be retained, owing to the shortage of trained personnel, and the doubt about their loyalty to the new regime was exploited to strengthen the case for complete centralization.

[1] [Provinces of Wallachia, Moldavia, and Dobrudja--Analyst]
[2] [Territories acquired after World War I--Analyst]

665 **SOCIAL REFORM.** The problem of social reform was
565 the most urgent and the most hotly contested of all. The Transylvanian National Party under the leadership of Maniu, and the Peasant Party of Mihalache,

6: Shuster S-4 (no date) 1954 El Europe
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659 to intervene to secure the appointment of clergymen, but re-
648 quested that it be informed in each instance. These laws were
794 modified under the rule of the Iron Front, in order to make
793 possible the persecution of the Jews. Christian communions appear, however, not to have been affected.

659 When a pro-Communist government was formed in Ru-
• 177 mania, the situation changed immediately and radically. The
671 laws adopted in 1928 were repealed by a decree of August 4, 1948. As usual in Soviet-inspired constitutions, freedom of conscience, of religion, and of worship was assured. Freedom was conceded to all creeds to organize and conduct their own ecclesiastical endeavors so long as they did nothing to jeopardize "public security and public order." The last proviso was, as always, the Trojan horse by means of which the conquerors would enter the citadel. For what were public security and order? The government reserved the right to determine; and in this case the "government" was and could only be the local soviet under which a poor cleric was to live and move and have his being. As a matter of fact, the system under which the Rumanian Communist Party functioned was simplicity itself. The list of electors registered in 1946 was kept up to date by striking off the names of all who had in some manner or other manifested hostility to the "people." The possessor of a name thus purged might retain the right to worship wherever he pleased, but was of course deprived of any opportunity to draw a salary from the State or to hold a position of public trust.

671 Indeed, the law went much further. Article 25 provided that
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659 the Ministry of Religious Affairs shall suspend any decision, instruction, or directive, as well as any order having an ecclesiastical character, whether administrative, cultural, educational, or caritative, or pertaining to endowments, if it is not in keeping with the status of the denomination in the act by which it has been established, or is inimical to public security, public order or morals. Pastoral and circular letters

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with straw roofs. They are rarely plastered with mud. In western Sredna Gora, transportable sheep pens are used (Gellert, 1937: 169).

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In Rumania there exists a marked difference between settlements in the lowlands and those of the Carpathian Mountain region. While topography and the presence or absence of such building materials as stone, wood or clay are important factors, political considerations also played a significant role. With the beginning of the 18th century Greek influence became predominant in Moldavia and Wallachia. The Porte set up Greek rulers in these principalities, thus in reality the Rumanians were as such under Turkish dominion, although indirectly, as were the people of the Balkans. It was only after the rebellion of 1821 that Rumanian rulers were reinstated. During all periods of unrest and foreign invasion the mountains and forests served as areas of refuge; the Serbian hajduk has his counterpart in the Rumanian haydoich (Stratilesco, 1907: 30-34).

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Location and Types of Settlements. The older settlements were in the nature of hamlets (cătun). These were generally not built on the top of hills, but rather in depressions, on the edge of forests, and away from the military roads (Grothe, 1907: 54). In the hilly regions of Oltenia and Moldavia the villages were located close to a river or on the slope of a hill. Farmsteads are generally spaced fairly far apart, in no definite order. Villages may extend over two or three hills facing one another (Stratilesco, 1907: 205).

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Villages in the Wallachian plains are located close to the roads. The prevalent type is the road village; buildings are located on either side of the highway which forms the main road of the village. Larger villages may have additional cross-roads (Jänecke, 1918: 7).

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While mountain villages average a population of 350, the largest being around 700, villages of the plains average 700 and may reach 2000 (Grothe, 1907: 56).

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House Types. Due to the scarcity of wood and stone in the plains, buildings are generally constructed of wicker and daub, in which technique the Rumanians are masters. The roof is made first, the walls afterwards. The principle posts are first set into the ground, then the studs of the outer walls and inner partitions are spaced at 1 to 2 foot intervals. After the roof has been formed walls are built up. Mud is kneaded down with the feet, mixed with straw, and shaped into lumps that take the place of bricks. These lumps are then set between the studs and left to dry (Stratilesco, 1907: 208). More often walls are of wickerwork, plastered inside and out with a mixture of mud, straw and cowdung to a thickness of 15-25 centimeters (Jänecke, 1918: 10). The rough walls are smoothed out by applying thinner and thinner layers of mud and cowdung mixture. They are then whitewashed inside and out. Floors of timber are recent; the floor is commonly of tamped earth.

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1: Braham S-4 (no date) 1954 ED1 Rumania ED1

693 agencies, being subordinate only to the Procurator General, the latter is
642 responsible to the Grand National Assembly, and in the interim between its sessions, to the Presidium (Article 75).

[671] The powers and functions of the Procurator General are specified by Law No. 6 of June 2, 1952, concerning the "Setting up and Organization of the Procuratura of the Rumanian People's Republic." The Procurator General has the right to take part, "with a consultative vote," in the meetings of the Presidium and of the Council of Ministers (Article 4). He is empowered to see to it that the decisions and rules issued by the central and local agencies of state power and administration conform with the laws of the country. Charged with the administration of justice, he supervises the activities of the agencies of penal investigation; he may ask for the dossier at any stage of the investigation, and has the right to "issue compulsory instructions with regard to the development of penal investigation and inquiry and to be present at any act of penal investigation or to carry it out himself" (Article 7, Paragraph a).

642 The Supreme Court, whose chief function is the supervision of the judicial
692 activities of all the courts (Article 72), is elected by the Grand National Assembly for a term of five years (Paragraph 1 of Article 67). The judges, theoretically independent and subject only to the law (Article 70), and the people's assessors are elected in accordance with the provisions of a special law (Paragraph 2 of Article 67). All judicial proceedings are conducted in the Rumanian language, with special provisions for the use of other languages in areas inhabited by compact groups of other nationalities or minorities. Persons not knowing the language in which the judicial proceedings are conducted are constitutionally guaranteed the right to acquaint themselves with the material of the case and the privilege to use their own language in the summation of their case (Article 68).

Unlike the Supreme Court of the United States, the Supreme Tribunal of the People's Republic of Rumania, like its Soviet counterpart, has no power of constitutional interpretation and is more of an auxiliary than an independent branch of government.

177. The constitutional provisions regarding the administration of justice, how-
69 ever "progressive" they may sound, conceal the true nature of the Marxist-
692 Leninist concept of justice, which has been adopted by the People's Republic of Rumania as well as by the other countries in the Soviet orbit. The modern principles of penal law (*"nullum crimen sine lege; nulla poena sine lege"*) applied and observed in all civilized countries, have been replaced by the concept of "class-justice." Marxist doctrinaires assert that the purpose of "proletarian class justice" is the maintenance of the regime of the dictatorship of the working class and the complete elimination of all "reactionary" and "anti-democratic" elements.

Although the principle of "class-justice" has not been embodied in the two Rumanian constitutions framed under the regime of popular democracy, it nevertheless has found clear expression in Law No. 5 passed by the Grand

1: Braham S-4 (no date) 1954 EDI Rumania EDI

National Assembly on June 2, 1952, concerning the "Organization of the Judicature." Article 1 of the Law emphatically states that the function of the judiciary is the defense of the socio-economic structure of the state and of the rights and interests of state institutions and organizations. Furthermore, it is emphasized that the aim of the judiciary is the "education" of the citizens "in the spirit of devotion to the fatherland and in the spirit of the construction of socialism" (Article 2).

The people's assessors perform in practice a much greater function in judicial proceedings than those specified by the Constitution. The Minister of Justice is authorized to detail them from one court to the other whenever circumstances require. Thus, there are actually special teams of "people's judges" which the Ministry of Justice can use in accordance with the political interests of the Party.

Article 9 of Law No. 5 of 1952 also authorizes the courts to hear cases outside their seats if this is required "to fulfil the educational purpose of justice." Furthermore, hierarchically superior courts may take away from subordinate courts any case "in order to hear it themselves or have it heard by another court."

The required impartiality of judges is furthermore impaired by limitations imposed by the electoral laws on the right to participate in the election of people's judges. The privilege is restricted to the "democratic" elements only (Article 13, Paragraph 7, of Law No. 5). This is coupled with the provisions confining the nomination of candidates to the United Workers' (Communist) Party or to its affiliated mass organizations (Article 13, Paragraph 1).

In discussing the new role of justice and law, Vasilescu-Alba, a jurist of the Rumanian People's Republic, asserted that "all legal rules, being the expression of the will of the working class, must be understood and interpreted in the light of the class struggle." Justice is thus "an executive organ of the will of the working class." Positive law, when in disagreement with this principle, must make room for the "legal conscience of the proletariat."[3]

The fundamental rights and duties of citizens are enumerated in a special chapter. The primacy of social rights over individual rights is, as in the USSR, both functional and political.[4] Most of the rights and freedoms stipulated by the Constitution are either programmatic, circumscribed by escape clauses, or outright illusory. Thus, for instance, the provision relating to freedom of the press, speech, and assembly, as stated by Article 85, (a word-by-word replica of Article 125 of the Soviet Constitution of 1936), emphatically denies

[3] "Statul Politienesc" Cronica Romaneasca, October 1, 1950, p. 25.

[4] Professor Boris Mirkine-Guetzevitch, while recognizing the dictatorial character of all the constitutions in the Soviet sphere, makes nevertheless a distinction between the declarations of rights of the Soviet constitutions and those of the satellite constitutions. According to Professor Mirkine, whereas the declarations of the People's Republics establish the "functional" primacy of social rights over individual rights, those of the Soviet republics establish "political" primacy. See Boris Mirkine-Guetzevitch, Les Constitutions Européennes, 2 vol. Paris, 1951.